

AMENDED IN SENATE APRIL 21, 2009

SENATE BILL

No. 453

Introduced by Senator Padilla

February 26, 2009

An act to amend Section 113947.3 of, *and to add Sections 113790, 113790.1, and 113948 to*, the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 453, as amended, Padilla. Food safety.

The California *Uniform Retail Food-Code Law* provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Public Health. Under existing law, ~~local~~ *local* a violation of these provisions is a misdemeanor. Local health agencies are primarily responsible for enforcing this ~~code~~ law.

This ~~code~~ law generally requires food facilities, except temporary food facilities, to have an owner or employee who has successfully passed an approved and accredited food safety certification examination from an accredited food protection manager certification organization, except as specified.

This bill would require at least one of the accredited food safety certification examinations to be offered online.

This bill would also require, commencing January 1, 2011, a food handler, as defined, to obtain a food handler card, as defined, within 30 days of his or her date of hire, and to maintain a valid food handler card for the duration of his or her employment as a food handler. This bill would require the department to develop standards for accrediting food handler certification organizations and guidelines for approved food handler courses, as specified. The bill would also permit the

department to charge fees to food handler certification organizations to offset the costs of administering the provisions of the bill.

By creating a new crime and expanding the duties of local enforcement officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 113790 is added to the Health and Safety
2 Code, to read:

3 113790. “Food handler” means an individual who is involved
4 in the preparation, storage, or service of food in a food facility,
5 other than an individual holding a valid food safety certificate
6 issued pursuant to Section 113947.3 or an individual involved in
7 the preparation, storage, or service of food in a temporary food
8 facility.

9 SEC. 2. Section 113790.1 is added to the Health and Safety
10 Code, to read:

11 113790.1. “Food handler card” means a certificate issued to
12 a food handler by an accredited food handler certification
13 organization, upon successful completion of an approved food
14 handler course and exam.

15 ~~SECTION 4.~~

16 SEC. 3. Section 113947.3 of the Health and Safety Code is
17 amended to read:

18 113947.3. (a) Food safety certification shall be achieved by
19 successfully passing an examination from an accredited food
20 protection manager certification organization. The certification
21 organization must be accredited by the American National

Standards Institute as meeting the requirements of the Conference for Food Protection's "Standards for Accreditation of Food Protection Manager Certification Programs." Those food employees who successfully pass an approved certification examination shall be issued a certificate by the certifying organization. The issuance date for each original certificate issued pursuant to this section shall be the date when the individual successfully completes the examination. Certificates shall be valid for five years from the date of original issuance. Any replacement or duplicate certificate shall have as its expiration date the same expiration date that was on the original certificate.

(b) (1) By July 20, 2008, the department, in consultation with the California Conference of Directors of Environmental Health, representatives of the retail food industry, and other interested parties, shall develop and implement a program for the purposes of demonstrating adequate knowledge for operators of temporary food facilities.

(2) At least one of the accredited food safety certification examinations shall cost no more than sixty dollars (\$60), including the certificate. However, the department may adjust the cost of food safety certification examinations to reflect actual expenses incurred in producing and administering the food safety certification examinations required under this section. If a food safety certification examination is not available at the price established by the department, the certification and recertification requirements relative to food safety certification examinations imposed by this section shall not apply.

(3) At least one of the accredited food safety certification examinations shall be offered online.

SEC. 4. Section 113948 is added to the Health and Safety Code, to read:

113948. (a) Commencing January 1, 2011, a food handler shall be required to obtain a food handler card within 30 days after the date of hire, and maintain a valid food handler card for the duration of his or her employment as a food handler.

(b) By June 1, 2010, the department, in consultation with the California Conference of Directors of Environmental Health, representatives of the retail food industry, and other interested parties, shall develop and implement both of the following:

1 (1) *Standards for accrediting food handler certification*
2 *organizations.*

3 (2) *Guidelines for approved food handler courses.*

4 (c) *Food handler cards shall be valid for two years from the*
5 *date of issuance, regardless of whether the food handler changes*
6 *employers during that period.*

7 (d) *Food handler training and assessment may be offered*
8 *through a trainer-led class and assessment, self-training and*
9 *assessment, or other method approved by the department. For*
10 *purposes of this section, “self-training and assessment” means a*
11 *process where the individual trains, and takes an exam, without*
12 *the presence or intervention of a trainer or instructor, and includes,*
13 *but is not limited to, training and examination through the use of*
14 *a computer program or the Internet.*

15 (e) *The department may impose a fee on an applicant seeking*
16 *accreditation as a food handler certification organization in an*
17 *amount necessary to offset the department’s reasonable costs*
18 *incurred to administer the provisions of this section.*

19 SEC. 5. *No reimbursement is required by this act pursuant to*
20 *Section 6 of Article XIII B of the California Constitution for certain*
21 *costs that may be incurred by a local agency or school district*
22 *because, in that regard, this act creates a new crime or infraction,*
23 *eliminates a crime or infraction, or changes the penalty for a crime*
24 *or infraction, within the meaning of Section 17556 of the*
25 *Government Code, or changes the definition of a crime within the*
26 *meaning of Section 6 of Article XIII B of the California*
27 *Constitution.*

28 *However, if the Commission on State Mandates determines that*
29 *this act contains other costs mandated by the state, reimbursement*
30 *to local agencies and school districts for those costs shall be made*
31 *pursuant to Part 7 (commencing with Section 17500) of Division*
32 *4 of Title 2 of the Government Code.*